

## **Meeting Notice**

**Date Notice Posted: October 31 2008**

**City of East Providence**

**City Council Meeting**

**Date of Meeting: Wednesday, November 5, 2008**

**Time of Meeting: 7:30 p.m.**

**Location of Meeting:**

**City Hall, Council Chambers**

**145 Taunton Avenue**

**East Providence, RI 02914**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**NOVEMBER 5, 2008**

**7:30 P.M.**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. SALUTE TO THE FLAG**

## **TO APPROVE THE CONSENT CALENDAR**

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_

Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

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## **IV. CONSENT CALENDAR**

### **A. APPROVAL OF COUNCIL JOURNALS**

**October 21, 2008–Regular Meeting**

### **B. CANCELLATION/ABATEMENTS (Requested by Tax Assessor)**

<b>YEAR</b>	<b>AMOUNT</b>
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<b>2006</b>	<b>\$339.28</b>
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<b>2007</b>	<b>\$86.46</b>
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<b>2008</b>	<b>\$2,750.90</b>
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<b>Total</b>	<b>\$3,176.64</b>
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### **C. REAL ESTATE APPEALS & HARDSHIP (Requested by Tax Board of Review)**

<b>YEAR</b>	<b>AMOUNT</b>
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<b>2008</b>	<b>\$24,921.26</b>
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**Total     \$24,291.26**

**D. ALCOHOLIC BEVERAGE CLASS F NOVEMBER 15, 2008**

**Sacred Heart Church, 118 Taunton Avenue (02914)**

**Annual Dinner Dance**

**E. HOLIDAY SALES**

**Rhonda Price, d/b/a Secret Petals, 99A Taunton Avenue (02914)**

**F. VICT/NOT OVER 25 (TRANSFER)**

**From: Mario Rodriguez, d/b/a Big Apple Convenience Store, 85  
Burgess Avenue (0214)**

**To: Big Apple Convenience Mart, Inc, d/b/a Big Apple Convenience  
Store.**

**G. HOLIDAY SALES (TRANSFER)**

**From: Mario Rodriguez, d/b/a Big Apple Convenience Store, 85  
Burgess Avenue (0214)**

**To: Big Apple Convenience Mart, Inc, d/b/a Big Apple Convenience  
Store.**

**V. APPOINTMENTS**

**1. BOARD OF ASSESSMENT REVIEW (by Mayor Ramos)**

**Lucy Stoddard (reappointment for a term ending 12/2014)**

**5 Carolina Avenue (02915)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**

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**2. HARBOR MANAGEMENT COMMISSION (by Councilman DiTraglia)**

**Frederick C. Bieberbach, Jr. (for a term ending 11/5/10)**

**40 Union Street (02915)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**

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**CITY COUNCIL SITTING AS LICENSING COMMISSIONERS**

**VI. LICENSES REQUIRING PUBLIC HEARING**

**1. B – FULL PRIVILEGE (STOCK TRANSFER) (Subject to approval  
from State Division of Taxation)**

**Ban Chiang, Inc., d/b/a Siam Square Restaurant, 1050 Willett Avenue  
(02915)**

**Public Comments**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**

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## **VII. LICENSES NOT REQUIRING PUBLIC HEARING**

**1. B – FULL PRIVILEGE (RENEWAL) (Subject to approvals from Chief of Police, Building Inspector, Health Inspector, State Division of Taxation and Fire Marshall).**

**CMC Restaurant, Inc., d/b/a Estrela Do Mar, 736 North Broadway (02914)**

**Sao Miguel Eateries, Inc., d/b/a Estrela Do Mar, 736 North Broadway (02914)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

## **LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL**

### **VIII. PUBLIC HEARING**

**ORDINANCES – FINAL PASSAGE (Given First Passage October 24, 2008 Advertised – Prov. Journal –October 27, 2008.)**

**1. The following is an ordinance ordering the assessment and collection of property tax on the ratable real estate, tangible personal property, and an excise tax on registered motor vehicles and trailers.**

**AN ORDINANCE ORDERING THE ASSESSMENT AND COLLECTION OF**

**PROPERTY TAX ON THE RATABLE REAL ESTATE, TANGIBLE PERSONAL**

**PROPERTY AND AN EXCISE TAX ON REGISTERED MOTOR**

## **VEHICLES AND TRAILERS.**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I. That the City Council of the City of East Providence hereby orders the assessment and collection of a tax on ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum not more than Eighty-five Million Four Hundred Twenty-five Thousand (\$85,425,000) Dollars nor less than Eighty-four Million Three Hundred Twenty-five Thousand (\$84,325,000) Dollars. Said tax is for ordinary expenses, for the payment of interest and indebtedness, in whole or in part, of said city, and for other purposes authorized by law.**

**The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the 31st day of December, 2008 at twelve o'clock Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the City Treasurer of the City of East Providence, who is charged with the duties for the collection of taxes, on or before the 15th day of June, 2009 complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate,**

personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the City Treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the 1st day of June 2009 and the 1st day of July, 2009 and provided further that if said tangible personal property and real estate taxes are paid in full on or before the 1st day of July, 2009, a discount of three per centum (3%) of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the 1st day of July, 2009 shall carry until collected a penalty at the rate of twelve per centum (12%) per annum from the 1st day of June, 2009 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of twenty-five per centum (25%) on or before the 1st day of July, 2009, the second installment of twenty-five per centum (25%) on or before the 1st day of September, 2009, the third installment of twenty-five per centum (25%) on or before the 1st day of December, 2009 and the fourth installment of twenty-five per centum (25%) on or before the 1st day of March, 2010.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become

due and payable and carry until collected a penalty at the rate of twelve per centum, (12%) per annum.

The City Treasurer shall, by advertisement in the public newspaper having circulation in the City of East Providence, notify all persons assessed to pay their respective taxes at his office on and between the said 1st day of June, and the 1st day of July, 2009 both days inclusive; said City Treasurer setting forth the hours during which his office shall remain open to receive said taxes.

**SECTION II.** That any of said taxes not paid on or before the 1st day of March, 2010 shall forthwith be collected by levy upon the sale of real estate upon which it is assessed and by that or other due process of law in case of assessment upon personal property.

**SECTION III.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**Public Comments**

Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_

Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

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2. The following is an ordinance authorizing the Director of Finance to borrow funds in anticipation of taxes.

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
FINANCE TO BORROW FUNDS IN ANTICIPATION OF TAXES.**



**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY  
ORDAINS:**

**SECTION I.** The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2009 such sums of money in anticipation of the property taxes of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any tax anticipation notes of a prior year to the extent permitted by law.

**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Director of Finance)

**Public Comments**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**  
**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**  
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**3.** The following is an ordinance authorizing the Director of Finance to borrow funds in anticipation of revenue.

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
FINANCE TO BORROW FUNDS IN ANTICIPATION OF REVENUE.**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY  
ORDAINS:**

**SECTION I.** The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2009 such sums of money in anticipation of the sewer use fee revenue of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any revenue anticipation notes of a prior year to the extent permitted by law.

**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Director of Finance)

**Public Comments**

Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_  
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**4.** The following is an ordinance amendment regarding Water Consumption Portion Sewer Charge.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE**

**REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY  
ORDAINS:**

**SECTION I. Subsection (c) of Sec. 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended to read as follows:**

**(c) The water consumption portion of the sewer charge shall be at a rate of \$4.00 4.40 per hundred cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.**

**SECTION II. This ordinance shall take effect November 1, 2008 and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Director of Finance)**

**Public Comments**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**

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**5. The following is an ordinance amendment regarding Water Rates.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY  
ORDAINS:**

**SECTION I. Subsection (a) of Sec. 17-36 entitled “Water Rates.” of  
Article II entitled “Water” of Chapter 17 of the Revised Ordinances of  
the City of East Providence, Rhode Island, 1998, as amended, entitled  
“Utilities,” is amended to read as follows:**

**(a) The water rates for water furnished by the city to the consumer  
and measured by meter shall be billed at \$2.45 2.85 per 100 cubic feet  
for all consumers.**

**SECTION II. This ordinance shall take effect upon its second passage  
and all ordinances or parts of ordinances inconsistent herewith are  
hereby repealed. (Requested by: Director of Finance)**

**Public Comments**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**

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## **IX. CONTINUED BUSINESS**

## **X. NEW BUSINESS**

### **A. REPORTS OF OTHER CITY OFFICIALS**

#### **1. CLAIMS COMMITTEE (by William J. Conley, Jr. – City Solicitor)**

Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_

Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

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**B. INTRODUCTION OF ORDINANCES (If given First Passage, can be referred to the next regular Council Meeting to be held on November 18, 2008 for a public hearing and consideration of final passage).**

**1. The following is an ordinance pertaining to the stop sign for Plymouth Street (eastbound traffic) at Hedley Circle.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
“VEHICLES AND TRAFFIC”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY  
ORDAINS:**

**SECTION I. Sec. 18-269 entitled “Stop and yield intersections**

**designated; when stops required.” is amended by adding thereto the following:**

**PLYMOUTH ROAD (eastbound traffic) at Hedley Circle**

**SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Mayor Ramos)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**  
**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**  
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**C. COUNCIL MEMBERS**

**1. CITYWIDE JOB FREEZE (by Councilman DiTraglia)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**  
**Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_**  
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**XI. ADJOURNMENT**

**Motion**\_\_\_\_\_ **By**\_\_\_\_\_ **2nd**\_\_\_\_\_